

Regular Meeting of the Village of Carthage Board of Trustees
Held in the Board Room of the Carthage Municipal Building
May 16, 2016

ATTENDANCE:

Members: President G. Wayne McIlroy; Deputy President Michael Astafan and Trustees Rebecca Vary and Linda Smith-Spencer.

Others: Kathy Amyot, Tug Hill Commissions and Kathleen Latremore. Mark Gebo at 6:10 p.m.

CALL TO ORDER:

President McIlroy called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES:

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to approve the minutes of the May 2, 2016 regular meeting as presented. Motion carried unanimously.

PUBLIC FORUM:

Ms. Amyot stated the Black River Water Shed conference is June 8, 2016 at Maggies on the River in Watertown. Ms Amyot expressed the Village of Deferiet request to join RACOG effective June 1, 2016 and at the RACOG meeting, President McIlroy requested Tug Hill Commissions to review the current agreement to include the Village of Deferiet. Ms. Amyot stated there will be a meeting to review the policies for the Twin Villages Pool and necessary changes will be made at that time. There will be a Jefferson County Stormwater Training at Bruce M. Wright Memorial Conference Center on June 2, 2016 from 8:30 a.m. - 12:30 p.m..

CORRESPONDENCE:

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to permit the Augustinian Academy to use the Carthage Park parking lot and playground for their annual walk-a-thon and school picnic on June 16, 2016 providing it does not conflict with previously scheduled events. Motion carried unanimously.

Motion by Trustee Smith-Spencer and seconded by Trustee Vary to permit the Carthage Area Chamber of Commerce to host a Fireworks Festival on Saturday, July 9, 2016 at 4:00 p.m. at Turning Point Park to include blocking Water Street and the assistance of the DPW and Police Departments. A certificate of insurance was included with the request. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer, based on the recommendation of the Water Superintendent, to give a sewer credit in the amount of \$79.30 due to a leaking hot water heater at 128 North James Street. Motion carried unanimously.

President McIlroy read the correspondence provided by Deputy President Astafan from Tom Dawley at Stat Communications. President McIlroy stated Mr. Dawley feels he was not given the opportunity to keep us as a customer when we switched companies last year. President McIlroy asked the Clerk/Treasurer if STAT Communications was contacted for a price quote last year and she stated they were.

PUBLIC HEARING:

President McIlroy opened the Public Hearing to discuss a local law to give the Board the option to enter into an inter municipal agreement with other communities to have a Cooperative Joint Planning Board to carry out the functions of the Village Planning Board at 6:10 p.m. President McIlroy asked two

times if there was anyone who wanted to speak for or against the local law. With no one wishing to speak, there was a motion by Deputy President Astafan and seconded by Trustee Vary to close the hearing at 6:12 p.m. Motion by Deputy President Astafan and seconded by Trustee Vary to adopt Local Law #5 of 2016 as follows:

A local law to amend Chapter 146 as the same pertains to Planning Boards.

Article 1. - Statement of Authority. The Board of Trustees of the Village of Carthage, pursuant to the authority granted it under Article 7 of the Village Law, Article 5-g of the General Municipal Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York hereby enacts as follows:

Article 2. - Statement of Findings and Purpose. The Board of Trustees of the Village of Carthage hereby finds that it is difficult at times to fully staff all the necessary Boards of the Village, including the Planning Board. There are efficiencies to be gained by entering into an inter municipal agreement with other communities, including the Town of Wilna and the Village of Deferiet to have a Cooperative Joint Planning Board to carry out the functions formerly carried out by the Village Planning Board. It is the purpose of this local law to allow the Board of Trustees of the Village of Carthage to enter into such a cooperative arrangement.

Article 3. - Enactment. The Board of Trustees of the Village of Carthage does hereby amends Chapter 146 of the Village of Carthage Code Chapter 146 as follows:

- A. Section 146-3 - The definition of Planning Board is hereby amended and as amended restated as follows:

Planning Board - A Board appointed by the Village Board and authorized to review Site Plans, amendments, Industrial District and Planned Development District requests and shall include a Cooperative Joint Planning Board as may be authorized from time to time by the Board of Trustees in accordance with Article 5-g of the General Municipal Law.

- B. Section 146-38 is hereby amended and as amended restated as follows:

Planning Board - In accordance with this Chapter, the Planning Board or a Cooperative Joint Planning Board as may be established from time to time by the Village Board shall have the power to approve, approve with modifications, or disapprove site plans and special use permits. The Planning Board may also give advisory opinions when requested by the Zoning Board of Appeals or the Village Board. The Planning Board shall abide by any rules or regulations adopted by the Village Board and/or the Cooperative Joint Planning Board.

Article 4 - Repealer. This Local Law shall supersede all prior Local Laws, Ordinance or resolution, creating the Planning Board and they shall be upon the effectiveness of this Local Law, be null and void.

Article 5. - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason

whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article 6. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

Motion carried unanimously.

OLD BUSINESS:

At the December 7, 2015 meeting, President McIlroy stated he spoke with the Town of Wilna Supervisor regarding the Village Planning Board and asked if the Town would be interested in taking it over. President McIlroy explained to Mr. Smith that the Village Planning Board rarely meets and is not qualified as the majority of them do not attend required training. Mr. Smith stated he will discuss the issue with the Town Board and Town Planning Board.

Update 12/21/15: President McIlroy stated the Village of Deferiet is also interested in the Town taking over their planning board. Attorney Gebo expressed the Town contacted Tug Hill Commissions for their assistance with the potential transition. President McIlroy stated he has a call into the Village planning board chairperson to get his input. Deputy President Astafan feels a Village resident should be on the Town planning board if they were to take it over.

Update 01/04/16: Attorney Gebo stated Tug Hill Commissions is working with the Town of Wilna on the transition.

Update 01/19/16: Ms. Amyot stated the Tug Hill Commissions is still working on the transition with the Town.

Update 02/01/16: President McIlroy stated there is nothing new to report.

Update 02/16/16: Attorney Gebo stated Tug Hill Commissions verified the current terms of the Town of Wilna Planning Board members. He further stated Tug Hill Commissions is working on a model to propose to both the Village and the Town of Wilna.

Update 03/07/16: Ms. Amyot will coordinate a meeting with the Town and Villages.

Update 03/21/16: President McIlroy stated the Town and Villages intend to meet in April.

Update 04/04/16: The meeting is scheduled for April 7, 2016 at 10:00 a.m. at the Town of Wilna offices.

Update 04/18/16: President McIlroy stated he met with representatives at the Town of Wilna and they reviewed the draft agreement provided by Attorney Gebo. The group forwarded their comments back to Attorney Gebo who will make the changes. Attorney Gebo stated the Village zoning law will need to be amended. President McIlroy will meet with the Town of Wilna to review the agreement with the changes made by Attorney Gebo. The Board set a public hearing on May 16, 2016 at 6:10 p.m. to discuss changes to the zoning law to allow for a joint planning board with the Town of Wilna and further abolish the current Village Planning Board.

Update 05/02/16: President McIlroy stated a public hearing is scheduled for the May 16, 2016 meeting at 6:10 p.m.

Update 05/16/16: President McIlroy requested the Trustees review the draft of the Joint Planning Board agreement. Attorney Gebo stated the agreement includes clauses which permit each participating municipality to opt out if they feel the Joint Planning Board is not beneficial to their community.

At the February 16, 2016 meeting, the Board authorized Attorney Gebo to send a letter to Ablans Business Center regarding their Village Loan Fund loan.

Update 03/07/16: The Board has not received a response from Ablans Business Center therefore President McIlroy requested the Clerk/Treasurer to hold this over until the March 21, 2016 meeting.

Update 03/21/16: Attorney Gebo requested an Executive Session to discuss this matter.

Update 04/04/16: The Clerk/Treasurer stated Ms. Ablan has yet to respond. President McIlroy requested the Clerk/Treasurer to hold this over until the April 18, 2016 when Attorney Gebo is present.

Update 04/18/16: Attorney Gebo stated he has yet to receive a response from Ms. Ablan. Attorney Gebo stated the board has two choices; to accept the \$100.00 monthly payments, which does not cover interest on the loan or return the checks received and sue for the monthly payments. President McIlroy requested Attorney Gebo to return the checks and pursue court proceedings.

Update 05/02/16: President McIlroy stated the Board will continue with legal proceeding and will discuss the progress at the next meeting when Attorney Gebo is present.

Update 05/16/16: Attorney Gebo requested an Executive Session to discuss the financial history of a particular business.

President McIlroy asked if Deputy President Astafan and Trustee Smith-Spencer had developed a policy regarding hardhat use at the DPW and Water Department and Deputy President Astafan responded he anticipates having information for the Board to review at the June 6, 2016 regular meeting.

At the May 2, 2016 meeting, President McIlroy requested the Board to review the proposed updates provided by the Clerk/Treasurer to Village Policies Personnel Section A150-26 - A150-48.4 and be prepared to discuss at the May 16, 2016 meeting. President McIlroy stated he requested the Clerk/Treasurer to provide paper copies of the proposed policy changes to the Board members.

Update 05/16/16: The Clerk/Treasurer requested to add the provision of required physicals and drug testing prior to employment in section 150-43 and the Board agreed.

Motion by Trustee Vary and seconded by Trustee Smith-Spencer to set a public hearing on June 20, 2016 to discuss the changes to the Village Policies Personnel Section A150-26 - A150-48 at 6:10 p.m. Motion carried unanimously.

NEW BUSINESS:

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to nominate Kathleen Latremore to fill the vacant Trustee position until the annual meeting on December 5, 2016. Motion carried unanimously.

President McIlroy appointed Kathleen Latremore to the Joint Water and Wastewater Boards.

Motion by Trustee Latremore and seconded Trustee Vary to approve CDBG 2013 Draw #14 payable to M&M Contracting and 2013-17 \$27,100.00; Painting Etc Inc and 2013-31 \$8,290.00; SJS Builders and 2013-41 \$14,855.00; Hrabchak & Gebo \$300.00; Avalon & Associates \$2,698.10. Motion carried unanimously.

Motion by Trustee Vary and seconded by Deputy President Astafan to approve CDBG 2013 PI #1 payable to SJS Builders and 2013-41 \$1,135.00. Motion carried unanimously.

President McIlroy stated there were quite a few residents on the Water Shut Off register as of May 5, 2016.

Motion by Trustee Vary and seconded by Deputy President Astafan authorizing the Clerk/Treasurer to post a public notice in the Carthage Republican Tribune regarding the availability of the Draft MS4 Annual Report on the Village web site.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign and submit the letter to NYSEFC regarding the administrative force proposal account for the additional work to be performed by the Village of Carthage administrative staff in the amount not to exceed \$10,000.00 during the design and construction of the WPCF capital project. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer authorizing President McIlroy to sign the engagement letter with Stackel & Navarra, CPA PC to perform Agreed Upon Procedures for the period June 1, 2015 - May 31, 2016 in an amount not to exceed \$5,300.00. Motion carried unanimously.

Motion by Deputy President Astafan to sign the Inter-municipal Agreement to form the River Area Council of Governments to include the addition of the Village of Deferiet into the group. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary authorizing the following transfers for account balancing:

| Budget Transfers 5/16/2016 | | | |
|-----------------------------------|----------------------------------|--------------|----------|
| A.1110.0431 | COURT-POSTAGE | 38.00 | |
| A.1110.0441 | COURT-UTILITIES | | 38.00 |
| A.3620.0400 | CEO-CONTRACTUAL EXPS. | 55 1.00 | |
| A.5010.0432 | STREET ADMIN- CONTRACTS/MAINT | 17 8.00 | |
| A.5010.0441 | STREET ADMIN-UTILITIES | | 178.00 |
| A.6989.0100 | ECONOMIC DEVELOPMENT-PER SERV | 7,80 0.00 | |
| A.7310.0100 | YOUTH PROGRAM-PER SERV | 15 0.00 | |
| A.1990.0400 | Contingencies | | 8,501.00 |

Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary authorizing the Clerk/Treasurer to make year-end budget transfers for account balancing. Motion carried unanimously.

Motion by Trustee Latremore and seconded by Trustee Vary authorizing the Clerk/Treasurer to make budgeted reserve transfers for the fiscal year ending May 31, 2016 as follows:

General Fund

Capital Reserves

Police Car \$10,000.00

DPW Equipment \$55,000.00

Repair Reserves

Court Room \$ 1,000.00

Sewer Fund

Repair Reserves \$100,000.00

Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Latremore to adopt Resolution 1 of 2016 as follows:

WHEREAS, the Village of Carthage through its Economic Corporation has previously entered into a note and mortgage agreement with the Carthage Area Hospital, and

WHEREAS, such agreement dated May 27, 2004, provided for payments at the rate of 3% interest through June 27, 2014, after which the interest rate was to fluctuate, and

WHEREAS, the parties have as yet not adjusted such interest rate and payments have continued to be made at 3%, and

WHEREAS, the parties are in agreement to fix the rate for the remainder of the loan at 3%,

Now, Therefore Be It RESOLVED, that the President of the Village of Carthage is authorized to sign a modification and extension agreement for the note and mortgage between the Village of Carthage/Economic Development Corporation of Carthage and the Carthage Area Hospital dated May 27, 2004, which modification and extension agreement shall fix the interest rate at 3% for the period of June 27, 2014 for the remaining term of the loan.

The foregoing resolution was duly adopted with Trustee Vary abstaining.

Attorney Gebo stated he reviewed the agreement with Tyler Technologies for accounting software. Attorney Gebo explained it is an extensive agreement and suggested the Board wait until the timeframe required for the Springbrook accounting software has expired until signing this agreement. President McIlroy requested the Clerk/Treasurer hold this over until the June 6, 2016 regular meeting.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to accept the monthly departmental reports from Code Enforcement, Court, DPW, Police Department, Water Department, and Treasurer as presented. Motion carried unanimously. The Community Development and report was not submitted.

Deputy President Astafan and Trustee Smith-Spencer reviewed the monthly bills and bank statements including reconciliations prior to the meeting. The documents were also available at the meeting.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to approve payment of payrolls and bills as follows: General Fund \$118,991.06; Special Grant Fund \$198.74; Water Fund \$12,860.45; Sewer Fund \$5,638.71; Joint General Fund \$90,595.76; and Joint Capital Fund \$948.56. Motion carried unanimously.

ATTORNEY GEBO UPDATE:

Attorney Gebo requested an Executive Session to discuss collective bargaining with the NYS Teamsters Union regarding the Police Department; financial history of a particular business; and employment history of a particular police officer. Attorney Gebo requested the status of the Watershed property encroachment. President McIlroy requested Trustee Smith-Spencer to follow up with the Water Superintendent regarding this issue.

PRESIDENT MCILROY UPDATE:

President McIlroy asked Deputy President Astafan if he has performed the survey of Cemetery Street Extension and Deputy President Astafan stated he has it scheduled for this Saturday and will have it at the June 6, 2016 regular meeting. President McIlroy stated there is a Water/Sewer meeting at the Village of West Carthage tomorrow at 2:00 p.m.; Teamsters mediation with the Police Department on May 18, 2016 at 9:00 a.m.; and a CIDC meeting on May 25, 2016 at 4:00 p.m.

LIAISON REPORTS AND COMMENTS:

None.

MEDIA QUESTIONS:

None.

EXECUTIVE SESSION:

Motion by Trustee Latremore and seconded by Trustee Vary to enter Executive Session at 6:36 p.m. to discuss the employment history of a police officer; collective bargaining with the NYS Teamsters regarding the Police Department; and the financial history of a particular business. Motion carried unanimously.

Motion by Deputy President Astafan and seconded by Trustee Smith-Spencer to resume Regular Session at 7:32 p.m. Motion carried unanimously.

ADJOURNMENT:

Motion by Trustee Latremore and seconded by Trustee Smith-Spencer to adjourn at 7:33 p.m. Motion carried unanimously.

Respectfully Submitted,

Kristy O'Shaughnessy
Village Clerk/Treasurer